

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

SECURITY NATIONAL BANK, as
Conservator for JMK, a minor child,

No. C11-4017-MWB

Plaintiff,

Sioux City, Iowa
January 17, 2014
1:26 p.m.

vs.

ABBOTT LABORATORIES,

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Defendant.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE MARK W. BENNETT
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:

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For the Defendant:

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GABRIEL H. SCANNAPIECO, ESQ.
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Also present:

Louise Deitloff
Daniel Morrison

Court Reporter:

Shelly Semmler, RMR, CRR
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Sioux City, IA 51101
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1 (Proceedings reconvened outside the presence of the
2 jury.)

3 THE COURT: Okay. You all ready to have the jury
4 brought in?

5 MR. REIDY: We are, Your Honor.

6 THE COURT: Okay.

7 (The jury entered the courtroom.)

8 THE COURT: Thank you. Please be seated. Mr. Case,
9 are you the foreperson?

10 JUROR CASE: Yes.

11 THE COURT: It's not that I'm clairvoyant. You were
12 the only one carrying the verdict form, so if you'd please hand
13 that to Matthew, then I'm going to review it, and then I'll
14 announce it in open court. But let me ask you this: Has the
15 jury reached a unanimous verdict?

16 JUROR CASE: Pardon me?

17 THE COURT: Have they reached a unanimous verdict?

18 JUROR CASE: Yes, Your Honor.

19 THE COURT: Okay. Security National Bank, Conservator
20 for J.M.K., a minor child, Plaintiff, versus Abbott
21 Laboratories, on the conservator's claim, claims, the jury found
22 for Abbott on each of the three claims, and they also found for
23 Abbott on their specific defenses -- I'm sorry. Well, they
24 found state of the art on A, B, but not C, and they found no
25 intermediary specific defense on that instruction.

1 So I'm going to just go -- poll the jury. We're going
2 to start in back with Miss Bussey. Is that your true and
3 correct verdict, essentially a verdict for the defendant Abbott?
4 You have to answer out loud. Just yes or no.

5 JUROR BUSSEY: Yes.

6 THE COURT: Next, please.

7 JUROR CRONIN: Yes.

8 THE COURT: Next, please.

9 JUROR SUN: Yes.

10 THE COURT: Next, please.

11 JUROR FORD: Yes.

12 THE COURT: Front row?

13 JUROR KILBERG: Yes.

14 JUROR HEATON: Yes.

15 JUROR SCHIERNBECK: Yes.

16 JUROR CASE: Yes.

17 THE COURT: Thank you. I'll meet you -- you're
18 excused now, but I wanted -- on behalf of the lawyers and the
19 parties, I wanted to thank you for your efforts, and I'm going
20 to meet with you down in the jury room for just a minute or two
21 because I know you're anxious to leave, and then we're picking a
22 grand jury, so I'm keeping about 50 potential grand jurors
23 waiting, so it will be a little bit of a short visit. But
24 obviously I wanted to thank you personally for your service. So
25 you're free to leave.

1 (The jury exited the courtroom.)

2 THE COURT: And, Matthew, would you make a copy of the
3 verdict form for everyone.

4 And congratulations to the defense team.

5 MR. REIDY: Thank you, Judge.

6 MR. GRAY: Thank you, Your Honor.

7 (The foregoing trial was

8 concluded at 1:29 p.m.)

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20 CERTIFICATE

21 I certify that the foregoing is a correct transcript
22 from the record of proceedings in the above-entitled matter.

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25 s/ Shelly Semmler
Shelly Semmler, RMR, CRR

2-1-14
Date